

REMARKS

In the May 25, 2010 Office Action, claims 1-11 and 29 stand rejected under 35 U.S.C. 102(b) as being anticipated by Rusk (U.S. Patent No. 5,681,280). Claim 12 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Rusk. Claim 30 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Rusk in view of Tu (U.S. Patent No. 6,319,251). The following remarks address each of these issues and places the present application in condition for allowance.

Claims 1-11 and 29 Are Patentable Over Rusk

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP § 2133.

Claims 1 and 29 have been amended to recite “wherein said spreader rods contain a non-linear segment having substantially alternating curved sections at its inner and outer surface.” Rusk does not disclose this feature. Instead, Rusk discloses that “a plurality of distal end segments 20 are flexible and resilient and configured in a substantially straight shape so that when bending forces are imparted to the segments, the inherent restoring forces of the material itself tend to straighten the segments to their straight or unbent position”. (Rusk, Col. 6 lns 23-27, emphasis added). As further illustrated in the figures, Rusk discloses that the outer surfaces of the segments are flat in the collapsed position. (Rusk, Fig. 4). Therefore, Rusk does not disclose “spreader rods contain a non-linear segment having substantially alternating curved sections at its inner and outer surface.” For at least this reason, Applicant respectfully requests that the rejection of claims 1 and 29, and all claims depending therefrom, be withdrawn.

Further, claims 1 and 29 recited the non-linear segments having “alternating curved sections.” Rusk does not disclose this feature. Instead, Rusk discloses a plurality of transverse slots 72 defining the medial hinge portion 40. As shown in Figs. 5 and 9, these slots, on the interior of the segments 20, are ridges, and not “alternating curved sections,” as recited in claims 1 and 29. Moreover, as explained above, these slots are only in the interior of the segments, and not on the outer and inner surface of the segments, as required by claims 1 and 29. For this additional reason, claims 1 and 29, and all dependent claims, are patentable over Rusk.

Claims 12 Is Patentable Over Rusk

Because claim 1 is patentable over Rusk as described above, all dependent claims are patentable over Rusk. Therefore, because claim 12 depends on claim 1, claim 12 is patentable over Rusk.

All Claims Are Patentable Over Tu

Claim 29 has been amended to include “wherein said spreader rods contain a non-linear segment having substantially alternating curved sections at its inner and outer surface.” Tu does not teach or suggest such a structure. For at least this reason, claim 30 is patentable over Tu.

CONCLUSION

In light of the foregoing, Applicant submits that the application is now in condition for allowance. If the Examiner has any questions pertaining to the above, then the undersigned attorney would welcome a phone call to provide any further clarification.

Respectfully submitted,

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